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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,579	08/14/2001	John A. Rome	01MOT201P	9147

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EXAMINER
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PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,579

Applicant(s)

ROME ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-6 and 11-15, drawn to an automatic fuel cleaner apparatus, classified in class 134, subclass 169A.
  - II. Claims 7-10, drawn to a method of cleaning a fuel system, classified in class 134, subclass 18.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another apparatus such as one without a multi-port fuel block connected to said pump output and/or without a solenoid, as claimed in claim 11, and one without an automatic fuel cleaner apparatus for cleaning either a diesel or a gasoline fuel system as claimed in claim 1.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation between Examiner El-Arini and applicant's representative, Farshad Farjami, on 21 January 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-6 and 11-15.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 7-10 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Information Disclosure Statement***

8. It is noted that an Information Disclosure Statement under 37 CFR 1.97 for the present application has not been received by the Office. If Applicant believes this to be in error, Applicant is urged to submit documentation supporting a proper filing of any previously submitted information disclosure statements in order to have such disclosures considered by the Office.

***Claim Objections***

9. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim fails to provide any further structural limitation to the claimed apparatus, but rather is directed to a future intended use (e.g. what the solenoid "causes" to occur), which is given little patentable weight in an apparatus claim. Accordingly, claim 15 has not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-6 & 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,289,837 to Betancourt.

Re claim 1, Betancourt discloses an engine fuel cleaning system having two service portions with two return lines 48 & 48a connected to a fuel line outlet, two reservoirs 30 & 64 connected to the ends of the return lines, two pumps 36 & 36a with inputs connected to the outputs of the reservoirs, two output lines 28 & 62 connected

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between the pump outputs and a fuel line inlet (see entire reference of Betancourt, for instance, Figure 2 and associated text).

Betancourt further discloses, for instance in Figure 2, filters 32 & 32a connected between the pumps and reservoirs (claim 2); various valves including relief valves 46 & 46a (claim 3); pressure regulators 40 & 40a (claim 4); solenoids 58 & 60 (claim 5); and pressure gauges 54 & 54a (claim 6).

Re claims 11-14, Betancourt further discloses a multi-port fuel block defined by a multi-line junction with lines connecting to a solenoid 58a, a pump 36a, relief valve 46 and pressure regulator 40a, the multi-line junction including valve 70 and solenoid 58a (see, for instance, top center of Figure 2).

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,263,889 to Flynn *et al.*, which discloses a fluid loop engine cleaning system with reservoir tank, a pump, a pressure regulator & gauge, a filter, and a solenoid.

US 6,213,175 to Rome *et al.*, which discloses a fluid loop engine cleaning system with reservoir tank, a pump, a pressure regulator & gauge, a relief valve, a filter, and a solenoid.

US 5,833,765 to Flynn *et al.*, which discloses a fluid loop engine cleaning system with reservoir tank, a pump, a pressure regulator & gauge, a filter, and a solenoid.

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US 5,443,085 to Huddas, which discloses a fluid loop engine cleaning system with reservoir tank, valves, a pump, and a filter.

US 4,877,043 to Carmichael *et al.*, which discloses a fluid loop engine cleaning system with reservoir tank, a pump, a pressure regulator & gauge, valves, and a filter.

US 4,787,348 to Taylor, which discloses a fluid loop engine cleaning system with reservoir tank, valves, a pump, and a filter.

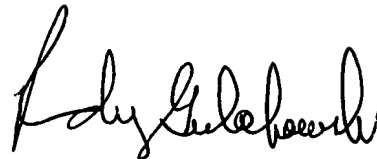
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlj  
August 13, 2003

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700